Advisory Action	Application No.	Applicant(s)
	08/941,459	MORIKAWA, TAKESHI
	Examiner	Art Unit	
	Joseph R. Pokrzywa	2622	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 18 March 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

<u>PERIOD FOR REPLY</u> [check either a) or b)]

a) ☒ The period for reply expires <u>3</u> months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. ☐ The proposed amendment(s) will not be entered because:

 (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);

 (b) ☐ they raise the issue of new matter (see Note below);

 (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

 (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

 NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☒ The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: *of the reasons discussed in the attached Office action.*

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☐ For purposes of Appeal, the proposed amendment(s) a)☐ will not be entered or b)☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

 The status of the claim(s) is (or will be) as follows:

 Claim(s) allowed: _____.

 Claim(s) objected to: _____.

 Claim(s) rejected: _____.

 Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.

10. ☐ Other: _____

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SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

DETAILED ACTION

Advisory Action

1.   The period for reply continues to run 3 MONTHS from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a) accompanied

by the appropriate fee. The date on which the petition under 37 CFR 1.136(a) and the

appropriate extension fee have been filed is the date for purposes of determining the period of

extension and the corresponding amount of the fee. A reply within the meaning of 37 CFR 1.113

or a request for a continued examination (RCE) in compliance with 37 CFR 1.114 must be

timely filed to avoid abandonment of this application.

Response to Arguments

2.   The request for reconsideration filed 3/18/03 has been entered and considered but does

not overcome the rejection because of the following reasons.

3.   In response to applicant's arguments regarding the rejection of **claims 4-6, 13, 14, 27-30,**

and 35, as being unpatentable over Ishiguro *et al.* (U.S. Patent Number Re. 34,460) in view of

Leung *et al.* (U.S. Patent Number 5,642,288), which state on pages 3-5 that no "teaching,

suggestion, or motivation" to combine the references is shown, and that the Examiner has not

provided any proper showing to combine the Ishiguro patent with pixel density data as

exemplified in the Leung patent, so as to teach the process of storing and comparing the pixel

density data. The examiner notes the current limitations in claims 4, 13, 28, and 35 do not

specifically require "comparing the pixel density data", as argued by applicant, but rather

comparing the state between at least two frames, with the state of a frame determined from a

frame stored in memory, which is pixel density data. Thus, the comparison is not between a

plurality of pixel density data, but between the "state" of at least two frames. The examiner feels

that this is an important distinction upon reconsideration of the rejection. Reviewing the current

rejection, Ishiguro teaches of comparing the state between at least two frames, as determined by

the state decision controller in column 18, line 64 through column 19, line 7, wherein the sheet

size S1 and Sx are compared, and for automatically prohibiting selecting an inoperable mode of

operation of the plurality of modes of operation through the operation panel based on the result

of the comparison, as read in column 19, lines 2 through 7, and lines 39 through 44. However, as

stated in the Office action dated 12/17/02, Ishiguro fails to teach of storing *pixel density data* of a

plurality of frames in the memory, with a state of a frame, for each frame, of the *pixel density*

data stored in the memory being determined, since Ishiguro only teaches that data describing the

plurality of frames is stored in the memory. Leung is relied on to teach storing pixel density data

of a plurality of frames in a memory. As such, Leung teaches of a memory for storing pixel

density data of a plurality of frames, as read in column 2, lines 26 through 37, and column 3,

lines 39 through 65, and column 9, lines 7 through 16, and determining, for each frame, a state of

a frame of the pixel density data stored in the memory, as read in column 3, line 66 through

column 4, line 21, and column 10, lines 27 through 43. While Ishiguro stores data of a plurality

of frames, as read in column 18, lines 64 through 68, Ishiguro is not specific if the data of a

plurality of frames is actually pixel density data. Because Leung teaches of pixel density data

stored in a memory, and a state of a frame of the pixel density data stored in the memory is

determined, it would have been obvious to a person of ordinary skill in the art to modify

Ishiguro's system with the teachings of Leung.

4.   Since the claim requires comparing the state between frames, whereby the state of the

frame is determined from the pixel density data stored in he memory, and not comparing pixel

density data, the examiner believes that the combination would be obvious to a person of

ordinary skill in the art. It is widely known throughout the art to store pixel density data, and then

determine a state of the stored pixel density data, so as to be used for a specific processing within

a computerized environment, which is recognized and taught by Leung. Because this process is

widely known throughout the art, one of ordinary skill in the art could easily modify a system to

conform with this practice, as argued by the examiner previously. The motivation for modifying

Ishiguro's system with the teachings of Leung is based on a design choice that one of ordinary

skill in the art could easily recognize, as the amount and type of data stored in a memory can be

modified and altered, depending on the capacity of the memory, so that data may be stored more

efficiently. Therefore, the rejection of **claims 4-6, 13, 14, 27-30, and 35**, under 35 U.S.C. 103(a),

as being unpatentable over Ishiguro *et al.* in view of Leung *et al.*, is maintained. Further, for the

same reasons discussed above, the rejection of **claims 15 and 16**, under 35 U.S.C. 103(a), as

being unpatentable over Ishiguro *et al.* in view of Leung *et al.*, further in view of Matsuo *et al.*

(U.S. Patent Number 4,912,518), is maintained. Continuing, using the same argument discussed

above regarding the motivation to combine Ishiguro and Leung, the rejections under 35 U.S.C.

103(a) of **claims 23 and 24**, as being unpatentable over Collard *et al.* (U.S. Patent Number

5,825,988) in view of Leung *et al.*, as well as claims 25 and 26, as being unpatentable over

Collard *et al.* in view of Leung *et al.*, and further in view of Matsuo *et al.*, is also maintained.

5.   In response to applicant's arguments regarding the rejection of **claims 31 and 33**, as

being unpatentable over Shinada *et al.* (U.S. Patent Number 5,008,709) in view of Wang (U.S.

Patent Number 5,987,171), which states on page 9 that there is no teaching, suggestion or

motivation to replace a physical attribute (magnification or lens location) of Shinada with an

electronic process of Wang. As stated in the Office action dated 12/17/02, Shinada lacks teaching

of storing *pixel density data* and subsequently determining a size of an image corresponding to

the *pixel density data* of each image stored in the memory. Wang teaches of storing pixel density

data of a plurality of frames in a memory in column 5, lines 33 through 44, and determining a

size of an image corresponding to the pixel density data of each image stored in the memory, as

read in column 8, lines 20 through 67, and column 13, lines 6 through 28. Therefore, one of

ordinary skill in the art can recognize that Shinada would easily be modified to utilize pixel

density data in a size determination, as is readily known within the art, and as used by Wang.

Because this process is widely known throughout the art, one of ordinary skill in the art could

easily modify a system to conform with this practice, as argued by the examiner previously. The

motivation for modifying Shinada's system with the teachings of Wang is based on a design

choice that one of ordinary skill in the art could easily recognize, as the amount and type of data

stored in a memory can be modified and altered, depending on the capacity of the memory, so

that data may be stored more efficiently. Therefore, the rejection of **claims 31 and 33**, under 35

U.S.C. 103(a), as being unpatentable over Shinada *et al.* in view of Wang, is maintained. Further,

for the same reasons discussed above, the rejection of **claims 32 and 34**, under 35 U.S.C. 103(a),

as being unpatentable over Shinada *et al.* in view of Wang, further in view of Yoshida *et al.*

(U.S. Patent Number 5,930,006), is also maintained.

Conclusion

6.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Joe Pokrzywa whose telephone number is (703) 305-0146. The

examiner can normally be reached on Monday-Friday, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Edward L. Coles can be reached on (703) 305-4712. The fax phone numbers for the

organization where this application or proceeding is assigned are (703) 872-9314 for regular

communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is (703) 306-0377.

J.R.P.

Joseph R. Pokrzywa
Examiner
Art Unit 2622

jrp
April 2, 2003

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